

AMENDED IN SENATE AUGUST 17, 2006

AMENDED IN SENATE AUGUST 16, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 24, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2701

Introduced by Assembly Member Blakeslee
(Principal coauthor: Senator Maldonado)

February 24, 2006

~~An act to amend Section 61105 of, and to add Section 25825.5 to, the Government Code, and to amend Sections 1, 2, 5, 7, 8, 13, 28, 36.8, and 36.16 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to San Luis Obispo County. An act to amend Section 61105 of, and to add Section 25825.5 to, the Government Code, relating to San Luis Obispo County.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2701, as amended, Blakeslee. San Luis Obispo County.

(1) Existing law authorizes the establishment of community services districts for the provision of various services to the geographic area within a district, including the collection, treatment, or disposal of sewage, wastewater, recycled water, and stormwater.

This bill would authorize the County of San Luis Obispo to undertake any efforts necessary to construct and operate a wastewater collection and treatment system to meet the needs of the Los Osos Community Services District, as specified, and to impose and collect user fees and other charges to cover the reasonable costs of any wastewater collection or treatment services provided pursuant to these provisions.

The bill would also require the Board of Supervisors of San Luis Obispo County to prepare and submit a proposed assessment to pay for the facilities, and, if certain requirements are met, to decide whether to proceed with construction of the project. The district would retain the powers to provide all other services to a designated zone. After a minimum of 3 years and when the district and the county mutually apply for, and are granted, a modification to the waste discharge permit issued by the Regional Water Quality Control Board, responsibilities would be transferred back to the district.

~~(2) Existing law, the San Luis Obispo County Flood Control and Water Conservation District Act, creates the San Luis Obispo County Flood Control and Water Conservation District and grants to that district specified powers and responsibilities.~~

~~This bill would change the name of that law to the San Luis Obispo County Flood Control and Integrated Water Management District Act and the name of the district to the San Luis Obispo County Flood Control and Integrated Water Management District. The bill would authorize the district to implement integrated regional water management programs and projects, including groundwater banking of water supplies made available from the State Water Project, water reliability programs benefitting State Water Project supplies for users in the Counties of San Luis Obispo and Santa Barbara, and other projects and programs that promote specified objectives of the district's integrated regional water management plan. The bill would make conforming changes and certain technical, nonsubstantive corrections to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 25825.5 is added to the Government
2 Code, to read:

1 25825.5. (a) The Legislature finds and declares all of the
2 following:

3 (1) There are ongoing discharges to the Los Osos Discharge
4 Prohibition Zone established in the Water Quality Control Plan
5 for the Central Coast Basin.

6 (2) The agency responsible for eliminating these discharges is
7 the Los Osos Community Services District, which is a relatively
8 new agency, formed in 1998.

9 (3) The Central Coast Regional Water Quality Control Board
10 has imposed substantial fines on the Los Osos Community
11 Services District for failing to make adequate progress toward
12 eliminating these discharges.

13 (4) The Los Osos Community Services District has a relatively
14 small staff that has no experience of successfully designing and
15 constructing facilities of the size and type needed to eliminate
16 these discharges.

17 (5) The County of San Luis Obispo has a larger staff that has
18 experience in successfully designing large public works projects.

19 (6) There is an urgent need to protect the public health and
20 safety by eliminating these discharges and the most feasible
21 alternative is best accomplished by a temporary realignment of
22 certain wastewater collection and treatment powers between the
23 Los Osos Community Services District and the County of San
24 Luis Obispo.

25 (7) It is the intent of the Legislature in enacting this section
26 and amending Section 61105 to authorize the County of San Luis
27 Obispo to design, construct, and operate a wastewater collection
28 and treatment project that will eliminate these discharges,
29 particularly in the prohibition zone, to avoid a wasteful
30 duplication of effort and funds, and to temporarily prohibit the
31 Los Osos Community Services District from exercising those
32 powers.

33 (b) As used in this section, the following definitions apply:

34 (1) "Board" means the Board of Supervisors of the County of
35 San Luis Obispo.

36 (2) "County" means the County of San Luis Obispo.

37 (3) "District" means the Los Osos Community Services
38 District, formed pursuant to the Community Services District
39 Law, Division 3 (commencing with Section 61000) of Title 3,
40 located in San Luis Obispo County.

(4) “Prohibition zone” means that territory within the Baywood Park-Los Osos area of the county that is subject to the wastewater discharge prohibition imposed by the Central Coast Regional Water Quality Control Board pursuant to Resolution 83-13.

(c) The county may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to meet the wastewater collection and treatment needs within the district. These efforts may include programs and projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system. These efforts shall include any services that the county deems necessary, including, but not be limited to, any planning, design, engineering, financial analysis, pursuit of grants to mitigate affordability issues, administrative support, project management, and environmental review and compliance services. The county shall not exercise any powers authorized by this section outside the district.

(d) Nothing in this section shall affect the district’s power to do any of the following:

(1) Operate wastewater collection and treatment facilities within the district that the district was operating on January 1, 2006.

(2) Provide facilities and services, other than wastewater collection and treatment.

(e) To finance the construction and operation of a wastewater collection and treatment system, the county may levy benefit assessments consistent with the requirements of Article XIII D of the California Constitution, pursuant to any of the following:

(1) The Improvement Act of 1911 (Division 7 (commencing with Section 5000) of the Streets and Highways Code).

(2) The Improvement Bond Act of 1915 (Division 10 (commencing with Section 8500) of the Streets and Highways Code).

(3) The Municipal Improvement Act of 1913 (Division 12 (commencing with Section 10000) of the Streets and Highways Code).

(f) The county may charge standby charges for sewer services, consistent with the requirements of Article XIII D of the

1 California Constitution, pursuant to the Uniform Standby Charge
2 Procedures Act (Chapter 12.4 (commencing with Section 54984)
3 of Part 1 of Division 2 of Title 5).

4 (g) The county may impose and collect user fees and charges
5 and any other sources of revenue permitted by law sufficient to
6 cover the reasonable costs of any wastewater collection or
7 treatment services provided pursuant to this section.

8 (h) Promptly upon the adoption of a resolution by the board
9 requesting this action, the board of directors of the district shall
10 convey to the county any requested retained rights-of way,
11 licenses, funds, and permits previously acquired by the district in
12 connection with construction projects for which the district
13 awarded contracts in 2005. The county shall use those fee
14 interests, rights-of-way, licenses, and funds for the purpose of
15 furthering the construction and operation of a wastewater
16 collection and treatment system pursuant to this section.

17 (i) After the approval of a benefit assessment, the board shall
18 complete a due diligence review before deciding to proceed with
19 the construction and operation of a wastewater collection and
20 treatment system. The board shall consider any relevant factors,
21 including, but not limited to, the prompt availability of
22 reasonable and sufficient financing, the status of enforcement
23 actions, the successful development of reasonable project
24 technology and location options, the availability of any necessary
25 permits and other approvals, and the absence of other significant
26 impediments. At the completion of this due diligence review, the
27 board shall adopt a resolution declaring its intention to proceed
28 or not proceed with the construction and operation of the
29 wastewater collection and treatment system.

30 (j) Collection of assessments may not commence until the
31 adoption of the resolution to proceed pursuant to subdivision (i).

32 (k) The county shall have no power or responsibility to
33 construct and operate a wastewater collection and treatment
34 system pursuant to this section and the district shall resume that
35 power and responsibility when any of the following occurs:

36 (1) If the board adopts a resolution not to hold a benefit
37 assessment election pursuant to subdivision (e).

38 (2) If there is a majority protest to a benefit assessment
39 proposed by the county, on the date of the resolution adopted by
40 the board determining that the majority protest exists.

1 (3) If there is not a majority protest, but the board adopts a
2 resolution, pursuant to subdivision (i), which declares that the
3 county will no longer exercise its powers pursuant to this section,
4 on the date specified in the board's resolution.

5 (4) If the county constructs and operates a wastewater
6 collection and treatment system pursuant to this section, not less
7 than three years after the operation of the system commences, the
8 board and the board of directors of the district shall mutually
9 apply to the Central Coast Regional Water Quality Control Board
10 for a modification of the waste discharge permit, requesting
11 permission to transfer of the responsibility to operate the
12 wastewater collection and treatment system from the county to
13 the district. Consistent with that modification, the board shall
14 adopt a resolution that specifies the date on which the county will
15 no longer exercise its powers pursuant to this section.

16 (l) When the power and responsibility to construct and operate
17 a wastewater collection and treatment system transfers from the
18 county to the district pursuant to subdivision (k), the county shall
19 do all of the following:

20 (1) Promptly convey to the district any remaining retained fee
21 interests in any real property, rights-of-way, licenses, other
22 interests in real property, funds, and other personal property that
23 the county previously acquired pursuant to subdivision (h).

24 (2) Promptly convey to the district the wastewater collection
25 and treatment system that the county constructed pursuant to this
26 section.

27 (3) Continue to collect any necessary assessments and use
28 them to repay any indebtedness incurred by the county to finance
29 the construction of the wastewater collection and treatment
30 system pursuant to this section.

31 (4) The county shall cease collecting any benefit assessments
32 after repayment of any indebtedness incurred by the county to
33 finance the construction of the wastewater collection and
34 treatment system.

35 (m) Nothing in this section shall be construed as imposing
36 upon the county any liability for any district decisions or actions,
37 or failures to act, or imposing upon the county any liability for
38 any decisions or actions, or failures to act, by any district
39 officers, employees, or agents. In addition, nothing in this section
40 shall be construed as imposing upon the county any liability for

1 any prior or subsequent district liabilities, whether liquidated or
2 contingent, or any prior or subsequent liabilities of district
3 officers, employees, or agents, whether liquidated or contingent.

4 SEC. 2. Section 61105 of the Government Code is amended
5 to read:

6 61105. (a) The Legislature finds and declares that the unique
7 circumstances that exist in certain communities justify the
8 enactment of special statutes for specific districts. In enacting
9 this section, the Legislature intends to provide specific districts
10 with special statutory powers to provide special services and
11 facilities that are not available to other districts.

12 (b) (1) The Los Osos Community Services District may
13 borrow money from public or private lenders and loan those
14 funds to property owners within the district to pay for the costs of
15 decommissioning septic systems and constructing lateral
16 connections on private property to facilitate the connection of
17 those properties to the district's wastewater treatment system.
18 The district shall lend money for this purpose at rates not to
19 exceed its cost of borrowing and the district's cost of making the
20 loans. The district may require that the borrower pay the district's
21 reasonable attorney's fees and administrative costs in the event
22 that the district is required to take legal action to enforce the
23 provisions of the contract or note securing the loan. The district
24 may elect to have the debt payments or any delinquency
25 collected on the tax roll pursuant to Section 61116. To secure the
26 loan as a lien on real property, the district shall follow the
27 procedures for the creation of special tax liens in Section 53328.3
28 of this code and Section 3114.5 of the Streets and Highways
29 Code.

30 (2) (A) Except as otherwise provided in this paragraph, on
31 and after January 1, 2007, the Los Osos Community Services
32 District shall not undertake any efforts to design, construct, and
33 operate a community wastewater collection and treatment system
34 within, or for the benefit of, the district. The district shall resume
35 those powers on the date specified in any resolution adopted
36 pursuant to subdivision (j) of Section 25825.5.

37 (B) Nothing in this paragraph shall affect the district's power
38 to do any of the following:

1 (i) Operate wastewater collection and treatment facilities
2 within the district that the district was operating on January 1,
3 2006.

4 (ii) Provide facilities and services in the territory that is within
5 the district, but outside the prohibition zone.

6 (iii) Provide facilities and services, other than wastewater
7 collection and treatment, within the prohibition zone.

8 (C) Promptly upon the adoption of a resolution by the Board
9 of Supervisors of the County of San Luis Obispo requesting this
10 action pursuant to subdivision (h) of Section 25825.5, the district
11 shall convey to the County of San Luis Obispo all retained
12 rights-of-way, licenses, other interests in real property, funds,
13 and other personal property previously acquired by the district in
14 connection with construction projects for which the district
15 awarded contracts in 2005.

16 (c) The Heritage Ranch Community Services District may
17 acquire, construct, improve, maintain, and operate petroleum
18 storage tanks and related facilities for its own use, and sell those
19 petroleum products to the district's property owners, residents,
20 and visitors. The authority granted by this subdivision shall
21 expire when a private person or entity is ready, willing, and able
22 to acquire, construct, improve, maintain, and operate petroleum
23 storage tanks and related facilities, and sell those petroleum
24 products to the district and its property owners, residents, and
25 visitors. At that time, the district shall either (1) diligently
26 transfer its title, ownership, maintenance, control, and operation
27 of those petroleum tanks and related facilities at a fair market
28 value to that private person or entity, or (2) lease the operation of
29 those petroleum tanks and related facilities at a fair market value
30 to that private person or entity.

31 (d) The Wallace Community Services District may acquire,
32 own, maintain, control, or operate the underground gas
33 distribution pipeline system located and to be located within
34 Wallace Lake Estates for the purpose of allowing a privately
35 owned provider of liquefied petroleum gas to use the
36 underground gas distribution system pursuant to a mutual
37 agreement between the private provider and the district or the
38 district's predecessor in interest. The district shall require and
39 receive payment from the private provider for the use of that
40 system. The authority granted by this subdivision shall expire

1 when the Pacific Gas and Electric Company is ready, willing,
2 and able to provide natural gas service to the residents of Wallace
3 Lake Estates. At that time, the district shall diligently transfer its
4 title, ownership, maintenance, control, and operation of the
5 system to the Pacific Gas and Electric Company.

6 (e) The Cameron Park Community Services District, the El
7 Dorado Hills Community Services District, the Golden Hills
8 Community Services District, the Mountain House Community
9 Services District, the Rancho Murieta Community Services
10 District, the Salton Community Services District, the Stallion
11 Springs Community Services District, and the Tenaja Meadows
12 Community Services District, which enforced covenants,
13 conditions, and restrictions prior to January 1, 2006, pursuant to
14 the former Section 61601.7 and former Section 61601.10, may
15 continue to exercise the powers set forth in the former Section
16 61601.7 and the former Section 61601.10.

17 (f) The Bear Valley Community Services District, the Bell
18 Canyon Community Services District, the Cameron Estates
19 Community Services District, the Lake Sherwood Community
20 Services District, the Saddle Creek Community Services District,
21 and the Wallace Community Services District may, for roads
22 owned by the district and that are not formally dedicated to or
23 kept open for use by the public for the purpose of vehicular
24 travel, by ordinance, limit access to and the use of those roads to
25 the landowners and residents of that district.

26 (g) Notwithstanding any other provision of law, the transfer of
27 the assets of the Stonehouse Mutual Water Company, including
28 its lands, easements, rights, and obligations to act as sole agent of
29 the stockholders in exercising the riparian rights of the
30 stockholders, and rights relating to the ownership, operation, and
31 maintenance of those facilities serving the customers of the
32 company, to the Hidden Valley Community Services District is
33 not a transfer subject to taxes imposed by Part 11 (commencing
34 with Section 23001) of Division 2 of the Revenue and Taxation
35 Code.

36 (h) The El Dorado Hills Community Services District and the
37 Rancho Murieta Community Services District may each acquire,
38 construct, improve, maintain, and operate television receiving,
39 translating, or distribution facilities, provide television and
40 television-related services to the district and its residents, or

1 authorize the construction and operation of a cable television
2 system to serve the district and its residents by franchise or
3 license. In authorizing the construction and operation of a cable
4 television system by franchise or license, the district shall have
5 the same powers as a city or a county under Section 53066.

6 (i) The Mountain House Community Services District may
7 provide facilities for television and telecommunications systems,
8 including the installation of wires, cables, conduits, fiber optic
9 lines, terminal panels, service space, and appurtenances required
10 to provide television, telecommunication, and data transfer
11 services to the district and its residents, and provide facilities for
12 a cable television system, including the installation of wires,
13 cables, conduits, and appurtenances to service the district and its
14 residents by franchise or license, except that the district may not
15 provide or install any facilities pursuant to this subdivision unless
16 one or more cable franchises or licenses have been awarded
17 under Section 53066 and the franchised or licensed cable
18 television and telecommunications services providers are
19 permitted equal access to the utility trenches, conduits, service
20 spaces, easements, utility poles, and rights-of-way in the district
21 necessary to construct their facilities concurrently with the
22 construction of the district's facilities. The district shall not have
23 the authority to operate television, cable, or telecommunications
24 systems. The district shall have the same powers as a city or
25 county under Section 53066 in granting a franchise or license for
26 the operation of a cable television system.

27 ~~SEC. 3. Section 1 of the San Luis Obispo County Flood~~
28 ~~Control and Water Conservation District Act (Chapter 1294 of~~
29 ~~the Statutes of 1945) is amended to read:~~

30 ~~Section 1. This act shall be known and may be cited as the~~
31 ~~San Luis Obispo County Flood Control and Integrated Water~~
32 ~~Management District Act.~~

33 ~~SEC. 4. Section 2 of the San Luis Obispo County Flood~~
34 ~~Control and Water Conservation District Act (Chapter 1294 of~~
35 ~~the Statutes of 1945), as amended by Chapter 2045 of the~~
36 ~~Statutes of 1959, is amended to read:~~

37 ~~Sec. 2. (a) The San Luis Obispo County Flood Control and~~
38 ~~Integrated Water Management District is hereby created. The~~
39 ~~district shall consist of all the territory of the County of San Luis~~

1 ~~Obispo lying within the exterior boundaries of the county except~~
2 ~~the islands of the county in the Pacific Ocean.~~

3 ~~(b) As used in this act, “district” means the San Luis Obispo~~
4 ~~County Flood Control and Integrated Water Management~~
5 ~~District.~~

6 ~~SEC. 5. Section 5 of the San Luis Obispo County Flood~~
7 ~~Control and Water Conservation District Act (Chapter 1294 of~~
8 ~~the Statutes of 1945), as amended by Chapter 584 of the Statutes~~
9 ~~of 1975, is amended to read:~~

10 ~~Sec. 5. The district is hereby declared to be a body corporate~~
11 ~~and politic and as such shall have, in addition to the other powers~~
12 ~~vested in it by this act, the powers to do all of the following:~~

13 ~~(a) Have perpetual succession.~~

14 ~~(b) Sue and be sued in the name of the district in all actions~~
15 ~~and proceedings in all courts and tribunals of competent~~
16 ~~jurisdiction.~~

17 ~~(c) Adopt a seal and alter it at the district’s pleasure.~~

18 ~~(d) (1) Acquire by grant, purchase, lease, gift, devise,~~
19 ~~contract, construction, or otherwise, and hold, use, enjoy, sell, let,~~
20 ~~and dispose of real and personal property of every kind,~~
21 ~~including lands, structures, buildings, rights-of-way, easements,~~
22 ~~and privileges.~~

23 ~~(2) Construct, maintain, alter, and operate any and all works or~~
24 ~~improvements, within or outside the district, necessary or proper~~
25 ~~to carry out any of the objects or purposes of this act and~~
26 ~~convenient to the full exercise of its powers.~~

27 ~~(3) Complete, extend, add to, alter, remove, repair, or~~
28 ~~otherwise improve any works, or improvements, or property~~
29 ~~acquired by the district in accordance with this act.~~

30 ~~(e) (1) Store water in surface or underground reservoirs within~~
31 ~~or outside the district for the common benefit of the district or of~~
32 ~~any zone or zones affected.~~

33 ~~(2) Conserve and reclaim water for present and future use~~
34 ~~within the district.~~

35 ~~(3) Appropriate and acquire water and water rights, and import~~
36 ~~water into the district and conserve, within or outside the district,~~
37 ~~water for any purpose useful to the district.~~

38 ~~(4) Commence, maintain, intervene in, and compromise, in the~~
39 ~~name of the district, or otherwise, and assume the costs and~~
40 ~~expenses of any action or proceeding involving or affecting the~~

1 ownership or use of waters or water rights within or outside the
2 district, used or useful for any purpose of the district or of
3 common benefit to any land situated in the district, or involving
4 the wasteful use of water in the district.

5 (5) Commence, maintain, intervene in, defend, and
6 compromise, and assume the cost and expenses of, any and all
7 actions and proceedings now or hereafter begun to do either of
8 the following:

9 (A) Prevent interference with or diminution of, or declare
10 rights in the natural flow of, any stream or surface or
11 subterranean supply of waters used or useful for any purpose of
12 the district or of common benefit to the lands within the district
13 or to its inhabitants.

14 (B) Prevent unlawful exportation of water from the district or
15 prevent contamination, pollution, or otherwise rendering unfit for
16 beneficial use the surface or subsurface water used in the district.

17 (6) Commence, maintain, and defend actions and proceedings
18 to prevent any interference with those waters that may endanger
19 or damage the inhabitants or land of, or use of water in, or
20 flowing into, the district. The district shall not have power to
21 intervene or take part in, or to pay the costs or expenses of,
22 actions or controversies between the owners of lands or water
23 rights that do not affect the interests of the district.

24 (f) (1) Control the floodwater and stormwater of the district
25 and the floodwater and stormwater of streams that have their
26 sources outside the district, but which streams and the floodwater
27 thereof, flow into the district.

28 (2) Conserve those waters for beneficial and useful purposes
29 of the district by spreading, storing, retaining, and causing to
30 percolate into the soil within or outside the district, or save or
31 conserve in any manner all or any of the waters and protect from
32 damage from the floodwater or stormwater, the watercourses,
33 watersheds, public highways, life and property in the district, and
34 the watercourses outside the district of streams flowing into the
35 district.

36 (g) (1) Cooperate and act in conjunction with the state, or any
37 of its engineers, officers, boards, commissions, departments or
38 agencies, or with the federal government, or any of its engineers,
39 officers, boards, commissions, departments or agencies, or with
40 any public or private corporation, or with the County of San Luis

1 ~~Obispo, in the construction of any work for the controlling of~~
2 ~~floodwater or stormwater of, or flowing into, the district, or for~~
3 ~~the protection of life or property in the district, or for the purpose~~
4 ~~of conserving the waters for beneficial use within the district, or~~
5 ~~in any other works, acts, or purposes provided for in this act.~~

6 ~~(2) Adopt and carry out any definite plan or system of work~~
7 ~~for any purpose described in subdivision (a).~~

8 ~~(h) Carry on technical and other necessary investigations;~~
9 ~~make measurements, collect data, make analyses, and undertake~~
10 ~~studies and inspections pertaining to water supply, water rights,~~
11 ~~control of floodwater and stormwater, and use of water within~~
12 ~~and outside the district relating to watercourses of streams~~
13 ~~flowing in or into the district. For these purposes, the district~~
14 ~~shall have the right of access through its authorized~~
15 ~~representatives to all properties within the district and elsewhere~~
16 ~~relating to watercourses and streams flowing in or into the~~
17 ~~district. The district, through its authorized representatives, may~~
18 ~~enter upon those lands and make examinations, surveys, and~~
19 ~~maps of those lands.~~

20 ~~(i) (1) Enter upon any land, to make surveys and locate the~~
21 ~~necessary works of improvement and the lines for channels,~~
22 ~~conduits, canals, pipelines, roadways and other rights-of-way.~~

23 ~~(2) Acquire by purchase, lease, contract, gift, devise, or other~~
24 ~~legal means all lands and water and water rights and other~~
25 ~~property necessary or convenient for the construction, use,~~
26 ~~supply, maintenance, repair and improvement of these works,~~
27 ~~including works constructed and being constructed by private~~
28 ~~owners, lands for reservoirs for storage of necessary water, and~~
29 ~~all necessary appurtenances, and also where necessary or~~
30 ~~convenient for these purposes and uses, acquire and hold in the~~
31 ~~name of the state, the capital stock of any mutual water company~~
32 ~~or corporation, domestic or foreign, owning water or water~~
33 ~~rights, canals, waterworks, franchises, concessions, or rights,~~
34 ~~when the ownership of that stock is necessary to secure a water~~
35 ~~supply required by the district or any part thereof. When holding~~
36 ~~that stock, the district shall be entitled to all the rights, powers~~
37 ~~and privileges, and shall be subject to all the obligations and~~
38 ~~liabilities conferred or imposed by law upon other holders of that~~
39 ~~stock in the same company.~~

~~(3) Enter into and do any acts necessary or proper for the performance of any agreement with the United States, or any state, county, district of any kind, public or private corporation, association, firm, or individual, or any combination of them, for the joint acquisition, construction, leasing, ownership, disposition, use, management, maintenance, repair or operation of any rights, works or other property of a kind which might be lawfully acquired or owned by the district.~~

~~(4) (A) Acquire the right to store water in any reservoirs, or to carry water through any canal, ditch, or conduit not owned or controlled by the district.~~

~~(B) Grant to any owner or lessee the right to the use of any water or right to store that water in any reservoir of the district, or to carry that water through any tunnels, canal, ditch, or conduit of the district.~~

~~(5) Enter into and do any acts necessary or proper for the performance of any agreement with any district of any kind, public or private corporation, association, firm, or individual, or any combination of them for the transfer or delivery to any district, corporation, association, firm, or individual of any water right or water pumped, stored, appropriated or otherwise acquired or secured, for the use of the district, or for the purpose of exchanging the same for other water, water right, or water supply in exchange for water, water right, or water supply to be delivered to the district by the other party to the agreement.~~

~~(6) Cooperate with, and act in conjunction with, the state, or any of its engineers, officers, boards, commissions, departments or agencies, or with the federal government, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling floodwater or stormwater of streams in or running into the district, or for the protection of life or property therein, or for the purpose of conserving those waters for beneficial use within the district, or in any other works, acts, or purposes provided for in this act, and adopt and carry out any definite plan or system of work for that purpose.~~

~~(j) Incur indebtedness and issue bonds in accordance with this act.~~

1 ~~(k) Cause taxes or assessments to be levied and collected for~~
2 ~~the purpose of paying any obligation of the district, and carry out~~
3 ~~any of the purposes of this act in accordance with this act.~~

4 ~~(l) Make contracts, employ labor, and do all acts necessary for~~
5 ~~the full exercise of all powers vested in the district or any of the~~
6 ~~officers thereof, by this act.~~

7 ~~(m) Implement any of the following:~~

8 ~~(1) Integrated regional water management programs and~~
9 ~~projects, including groundwater banking of water supplies made~~
10 ~~available from the State Water Project.~~

11 ~~(2) Water reliability programs benefitting State Water Project~~
12 ~~supplies for users in the Counties of San Luis Obispo and Santa~~
13 ~~Barbara.~~

14 ~~(3) Other projects and programs that promote water supply,~~
15 ~~water quality, ecosystem restoration, groundwater management,~~
16 ~~or flood control objectives of the district's integrated regional~~
17 ~~water management plan.~~

18 ~~SEC. 6. Section 7 of the San Luis Obispo County Flood~~
19 ~~Control and Water Conservation District Act (Chapter 1294 of~~
20 ~~the Statutes of 1945) is amended to read:~~

21 ~~Sec. 7. (a) The board of supervisors of San Luis Obispo~~
22 ~~County shall be and is hereby designated as, and empowered to~~
23 ~~act as, ex officio the board of supervisors of the district.~~

24 ~~(b) As used elsewhere in this act, the terms "board" and~~
25 ~~"board of supervisors" mean the board of supervisors of the~~
26 ~~district.~~

27 ~~(c) Except as otherwise provided in this act, all ordinances,~~
28 ~~resolutions, and other legislative acts for the district shall be~~
29 ~~adopted by the board of supervisors, and certified to, recorded,~~
30 ~~and published, in the same manner, as are ordinances,~~
31 ~~resolutions, or other legislative acts for the County of San Luis~~
32 ~~Obispo.~~

33 ~~SEC. 7. Section 8 of the San Luis Obispo County Flood~~
34 ~~Control and Water Conservation District Act (Chapter 1294 of~~
35 ~~the Statutes of 1945) is amended to read:~~

36 ~~Sec. 8. (a) The district attorney, county surveyor, county~~
37 ~~assessor, county tax collector, county auditor, and county~~
38 ~~treasurer of the County of San Luis Obispo, and their successors~~
39 ~~in office, and all their assistants, deputies, clerks, employees, and~~
40 ~~all other officers of San Luis Obispo County, their assistants,~~

1 deputies, clerks and employees, shall be ex officio officers,
2 assistants, deputies, clerks, and employees respectively of the
3 district, and shall respectively perform, unless otherwise
4 provided by the board, the same various duties for the district as
5 for San Luis Obispo County, in order to carry out this act.

6 (b) Notwithstanding subdivision (a), if the county surveyor is
7 a registered civil engineer and is employed by the board of
8 supervisors to supervise the engineering work of the district, the
9 board may provide for compensation for his or her services under
10 this act payable from the funds of the district, in addition to his or
11 her salary as county surveyor of San Luis Obispo County.

12 SEC. 8. Section 13 of the San Luis Obispo County Flood
13 Control and Water Conservation District Act (Chapter 1294 of
14 the Statutes of 1945), as amended by Chapter 2045 of the
15 Statutes of 1959, is amended to read:

16 Sec. 13. The board shall have power, in any year to do any of
17 the following:

18 (a) Levy ad valorem taxes or assessments upon all property in
19 the district, to the extent authorized by law, for the purposes of
20 the district.

21 (b) Levy taxes or assessments upon all property in each or any
22 of the zones and participating zones to pay the cost and expenses
23 of carrying out, constructing, maintaining, operating, repairing,
24 or otherwise improving any or all works or improvements
25 established or to be established within or on behalf of the
26 respective zones, according to the benefits derived or to be
27 derived by the respective zones.

28 (c) (1) Levy taxes or assessments upon all taxable property in
29 each or any of the zones, according to the special benefits
30 derived or to be derived therein to pay the cost and expenses of
31 carrying out any of the objects or purposes of this act or special
32 benefit to the zones, including the constructing, maintaining,
33 operating, extending, repairing, or otherwise improving any or all
34 works of improvement established or to be established within or
35 on behalf of the respective zones.

36 (2) In the event of project cooperation with any of the
37 governmental bodies as authorized in subdivision (g) of Section
38 5 of this act, and the making of a contract with any governmental
39 body for the purposes set forth in that subdivision, by the terms
40 of which work is agreed to be performed by that governmental

body in any specified zone or participating zones, for the particular benefit thereof, and by contract it is agreed that the district is to pay to the governmental body, a sum of money in consideration or subvention for the performance of the work by the governmental body, the board may levy and collect a special tax or assessment upon the property in the zone or participating zones, to raise funds to enable the district to make that payment, in addition to other taxes or assessments authorized by this act.

(d) The taxes or assessments shall be levied and collected together with, and not separately from, taxes for county purposes, and the revenues derived from the district taxes or assessments shall be paid into the county treasury to the credit of the district, or the respective zones thereof, and the board shall have the power to control and order the expenditure thereof for those purposes. No revenues, or portions thereof, derived in any of the several zones from the taxes or assessments levied under subdivision (b) shall be expended for constructing, maintaining, operating, extending, repairing, or otherwise improving any works or improvements located in any other zones, except in the case of joint projects, or for projects authorized or established outside the zone, or zones, but for the benefit thereof. In cases of projects joint to two or more zones, the zones shall become, and shall be referred to as, participating zones.

SEC. 9. Section 28 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 28. There is hereby granted to the district the right of way for the location, construction, and maintenance of flood control channels, ditches, waterways, conduits, canals, storm dykes, embankments, and protective works in, over, and across public lands of the state, not otherwise disposed of or in use, not in any case exceeding in length or width that which is necessary for the construction of those works and adjuncts or for the protection thereof. Whenever any selection of a right of way for those works or adjuncts thereto is made by the district, the board shall transmit to the State Lands Commission, the Controller, and the recorder of the county in which the selected lands are situated, a plat of the lands so selected, giving the extent thereof and the uses for which the same is claimed or desired, duly verified to be correct. If the State Lands Commission approves

1 the selections made, it shall endorse its approval upon the plat
2 and issue to the district a permit to use such right of way and
3 lands.

4 ~~SEC. 10. Section 36.8 of the San Luis Obispo County Flood~~
5 ~~Control and Water Conservation District Act (Chapter 1294 of~~
6 ~~the Statutes of 1945), as amended by Chapter 2045 of the~~
7 ~~Statutes of 1959, is amended to read:~~

8 ~~Sec. 36.8. In the application of the laws referred to in~~
9 ~~Sections 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7, the terms used in~~
10 ~~those laws shall have the following meanings:~~

11 ~~(a) "City" means the district.~~

12 ~~(b) "City council" or "legislative body" means the board of the~~
13 ~~district.~~

14 ~~(c) "Mayor" means the chairperson of the board of the district.~~

15 ~~(d) "Clerk" means the secretary of the board of the district.~~

16 ~~(e) "Council chambers" means the place designated by the~~
17 ~~board of the district for holding its regular meetings.~~

18 ~~(f) "Treasurer" means the treasurer of the district.~~

19 ~~(g) "Auditor" means the auditor of the district.~~

20 ~~(h) "Tax collector" means county tax collector.~~

21 ~~(i) "Superintendent of streets" or "street superintendent" and~~
22 ~~"city engineer" means the engineer of the district.~~

23 ~~(j) "Right of way" means any parcel of land to which a right of~~
24 ~~way has been granted to the district.~~

25 ~~(k) All references to municipal officers and matters means the~~
26 ~~corresponding officers of the district.~~

27 ~~SEC. 11. Section 36.16 of the San Luis Obispo County Flood~~
28 ~~Control and Water Conservation District Act (Chapter 1294 of~~
29 ~~the Statutes of 1945), as amended by Chapter 2045 of the~~
30 ~~Statutes of 1959, is amended to read:~~

31 ~~Sec. 36.16. Division 4 (commencing with Section 2800) of~~
32 ~~the Streets and Highways Code shall not apply to the district.~~

33 ~~SEC. 12.~~

34 *SEC. 3.* Due to the unique circumstances concerning the
35 wastewater treatment needs in the Los Osos Community Services
36 District, as set forth in Section 1 of this act, it is necessary that,
37 and the Legislature finds and declares that, a general statute

- 1 cannot be made applicable within the meaning of Section 16 of
- 2 Article IV of the California Constitution.

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